

AGENDA BILL APPROVAL FORM

Agenda Subject: Ordinance No. 6269 - Administrative Use Permit/Conditional Use Permit Amendments		Date: September 30, 2009
Department: Planning, Building & Community	Attachments: Ordinance No. 6269	Budget Impact: N/A
Administrative Recommendation: City Council introduce and adopt Ordinance No. 6269.		

Background Summary:

Chapter 18.64 (Administrative and Conditional Use Permits) of the Auburn City Code contains regulations and standards for the allowance and processing of administrative use permits and conditional use permits, where applicable, in the City of Auburn. The Auburn City Council has previously passed ordinances establishing and amending Chapter 18.64 inclusive of Ordinance No. 4229 in 1987, Ordinance No. 4304 in 1988, Ordinance No. 4773 in 1995, Ordinance No. 4840 in 1996, Ordinance No. 4875 in 1996, Ordinance No. 5811 in 2003 and Ordinance No. 6185 in 2008. Beginning in September 2008 and at the direction of the Auburn City Council, Planning, Building & Community Department staff has been conducting a comprehensive update of Title 18 (Zoning) of the Auburn City Code. In June 2009, the Auburn City Council passed Ordinance No. 6245 updating the residential portions of Title 18 (Zoning) that, among other things, addressed the current permitted use, conditional use and prohibited use nature of different land uses within the City's residential zoning designations. The Planning and Community Development Committee of the Auburn City Council has previously requested the Planning Commission and staff to prepare substantive amendments to Chapter 18.64 to clarify and update the regulations for administrative use permits and conditional use permits. The Committee further requested the Planning Commission and staff conduct the required public hearing (s) on these amendments and forward the Commission's recommendation to the Auburn City Council for potential ordinance action.

Planning, Building and Community Department staff met in duly advertised joint meetings with the City of Auburn Planning and Community Development Committee and the Planning Commission on August 4, 2009 and August 11, 2009 to discuss issues and ideas for possible amendments to Chapter 18.64. During these discussions, staff identified and presented information on the need to update the administrative and conditional use nature of all land uses within the City's zoning districts. Planning staff have researched other jurisdictions, analyzed policy options and incorporated, where appropriate, the Committee's and the Commission's input, in the development of the proposed amendments contained herein.

The Planning Commission conducted a duly advertised public hearing on September 9, 2009 for the proposed amendments. Following the close of the public hearing and the Commission's deliberation, the Planning Commission recommended approval of the amendments to the Auburn City Council. The Planning and Community Development Committee reviewed the Commission's recommended at its regularly scheduled September 14, 2009 meeting and requested staff make one modification to the proposed amendments. The Planning and Community Development Committee, on an action motion, recommended approval of Ordinance No. 6269 to the Auburn City Council, at its regularly scheduled September 28, 2009 meeting. Ordinance No. 6269 is scheduled for review by the Public Works and Finance Committee and for possible City Council adoption on Monday, October 5, 2009.

L1005-6 O3.4.2.1.2

Reviewed by Council & Committees: <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input checked="" type="checkbox"/> Planning Comm. COUNCIL COMMITTEES: <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____	Reviewed by Departments & Divisions: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
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Action: Committee Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Council Approval: <input type="checkbox"/> Yes <input type="checkbox"/> No Referred to _____ Until ____/____/____ Tabled _____ Until ____/____/____ <div style="text-align: right;">Call for Public Hearing ____/____/____</div>	
Councilmember: Norman	Staff: Baker
Meeting Date: October 5, 2009	Item Number: VIII.A.3

ORDINANCE NO. 6 2 6 9

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.02.120, 18.04.752, 18.07.020, 18.09.020, 18.22.020, 18.22.030, 18.24.030, 18.26.020, 18.26.030, 18.28.020, 18.28.030, 18.29.055, 18.30.030, 18.32.020, 18.32.040, 18.33.030, 18.33.050, 18.34.040, 18.44.030, 18.50.050, 18.54.060, CHAPTER 18.64 OF THE AUBURN CITY CODE, AND SECTIONS 18.70.010, 18.70.020, 18.76.040, 18.78.020 OF THE AUBURN CITY CODE, AND CREATING NEW SECTIONS 18.04.025, 18.22.025, 18.24.025, 18.26.025, 18.28.025, 18.29.053; 18.30.025, 18.32.030, 18.34.030, 18.44.025, AND 18.76.045, ALL RELATING TO LAND USE PERMITS

WHEREAS, Chapter 18.64 of the auburn City Code (ACC) sets forth the process under which the City grants administrative use and conditional use permits under ACC Title 18, Zoning; and

WHEREAS, there are very few uses in the current version of ACC Title 18 for which the City issues administrative use permits, with almost all uses not permitted outright in Title 18 being reviewed under the conditional use permit process; and

WHEREAS, under the current code, conditional use permits must be granted by the City's Hearing Examiner, while administrative use permits are granted by the Planning Director; and

WHEREAS, the City Council finds that the City's land use decision making processes should be revised so that minor issues are determined in relatively quick administrative processes and major issues are thoroughly assessed and are subject to the full public scrutiny of the Hearing Examiner process; and

WHEREAS, the Planning Commission, with the assistance of City staff, has been conducting a review of ACC Title 18, and has forwarded recommendations for changes to various chapters of that title to the City Council; and

WHEREAS, as part of that review process, the Planning and Community Development Committee of the Auburn City Council had requested that the Planning Commission and City staff prepare amendments to Chapter 18.64 ACC for Council consideration; and

WHEREAS, Planning, Building and Community Department staff met in duly advertised meetings with the City of Auburn Planning and Community Development Committee and the Planning Commission on August 4, 2009 and August 11, 2009 to discuss issues and ideas for possible amendments to ACC Chapter 18.64; and

WHEREAS, the Planning Commission held a duly advertised public hearing on September 9, 2009 on the amendments to possible amendments to Chapter 18.64 and to those portions of Title 18 ACC relating to Chapter 18.64; and

WHEREAS, pursuant to RCW 36.70A.106, the amendments set forth in this Ordinance were sent to the Growth Management Services Division of the Washington Department of Commerce on September 4, 2009 for a 14-day expedited review request; and

WHEREAS, a Determination of Non-Significance has been issued for the amendments to Chapter 18.64 and to those portions of Title 18 relating to Chapter 18.64 set forth in this Ordinance on September 9, 2009 ; and

WHEREAS, the City Council finds that the amendments to Chapter 18.64 and to those portions of Title 18 ACC relating to Chapter 18.64 set forth in this Ordinance

provide for a decision making processes which relates the significance of the policy issue involved to the level of City review,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Section 18.02.120 of the Auburn City Code be and the same hereby is amended to read as follows:

18.02.120 Permitted land uses established.

A. Categories of Uses Established. Chapters 18.07 through 18.44 ACC establish permitted, administrative, conditional, and prohibited uses, by zone, for all properties within the Auburn city limits. All principal uses in a given zone are one of ~~three~~four types:

1. Permitted use (see ACC 18.04.696);
2. Administrative use (see ACC 18.04.025);
- ~~23.~~ Conditional use (see ACC 18.04.260);
- ~~34.~~ Prohibited use (see ACC 18.04.752).

Uses which are incidental and customary to a principal use may be considered an accessory use as defined in ACC 18.04.020.

Uses not specifically identified as principal uses or determined to be an accessory use shall be classified utilizing the procedures outlined in subsection (C)(6) of this section.

B. Zoning Use Tables Established for Residential Zones. The zone use tables in ACC 18.07.020 and 18.09.020 establish whether a specific use is permitted in a zone and whether the use is allowed as a permitted, administrative, conditional, or prohibited use. The zone is located on the horizontal row and the specific use is located on the vertical column of these tables.

C. Interpretation of Zone Use Tables.

1. Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row on the zone use tables:

Symbol	Description
P	Permitted Use
<u>A</u>	<u>Administrative Use</u>
C	Conditional Use
X	Prohibited Use

2. Other Requirements Applicable. The above uses are subject to the other application requirements, citywide property development standards, and applicable overlay district regulations specified in the zoning code, the project review procedures specified in ACC Title 14, the building and construction standards of ACC Title 15, the environmental review procedures and regulations specified in ACC Title 16, and the regulations for the division of land in ACC Title 17.

3. Additional Use-Related Conditions. If a number also appears at the intersection of the column and the row, the use is also subject to the additional requirements as listed in the corresponding endnote immediately following the use table in the specified code chapter. All applicable requirements shall govern a use whether specifically identified in the zone chapter or not.

4. Accessory Use Interpretation. The planning director or designee may determine if a use that is not specifically described as accessory, is permitted as an accessory to a principal use in a zone. Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director or designee to determine if a proposed use is allowed as an accessory use within the zone utilizing the purpose and intent of the zone, comprehensive plan policy guidance, and the definition of accessory use contained in Chapter 18.04 ACC.

5. Prohibited Uses. If an "X" appears in the box at the intersection of the column and the row, the use is prohibited in that zone. Similarly, if a use is listed in one zone use table but not another zone use table, it shall be considered prohibited in the zone use table in which it is not listed. For example, a use listed in the industrial zone use table of Chapter 18.16 ACC, but not listed in the residential zone use table of Chapter 18.07 ACC, shall be considered prohibited in the residential zones listed in Chapter 18.07 ACC even though the land use does not appear with an "X" in the use table.

6. Unclassified Uses. Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director or designee to determine if a proposed use not specifically listed in any zone use table is allowed within a specific zone utilizing the criteria in this subsection. Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zone, the planning director or designee shall indicate which zones, if any, do permit the use.

a. Criteria for Unclassified Uses. In order to make a determination that an unclassified use is permitted, administratively permitted, conditionally permitted, or accessory, the planning director or designee must find that the use is:

i. In keeping with the intent of the zone, and consistent with Auburn comprehensive plan policies; and

ii. Similar in nature to, and no more intense than, specifically listed permitted, conditional or accessory uses; and

iii. Consistent with subsection (C)(4) of this section, if determined to be permissible as an accessory use. (Ord. 6245 § 2, 2009.)

Section 2. Amendment to City Code. That Section 18.04.752 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.04.752 Prohibited use.

"Prohibited use" means any use which is not specifically enumerated or interpreted by the city as allowable in that zone. Any use not specifically listed as a permitted, administrative, conditional, or accessory use is prohibited, except those determined to be unclassified and permitted by the planning director pursuant to ACC 18.02.120(C)(6). Any prohibited use is illegal. (Ord. 6245 § 3, 2009.)

Section 3. Amendment to City Code.

That Section 18.07.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.07.020 Uses.

**Table 18.07.020
Permitted Use Table – Residential Zoning Designations**

P = Permitted <u>A= Administrative</u> C = Conditional Use X = Not Permitted							
Land Uses				Zoning Designations			
	R-C	R-1	R-5	R-7	R-10	R-16	R-20
A. Residential Uses.							
Accessory dwelling units	P	P	P	P	X ¹	X ¹	X ¹
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P	P
Bed and breakfast	P	P	P	P	P	P	P
Boardinghouses (with three or more boarders)	X	X	X	X	C	C	C
Duplexes, provided that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 ACC (Infill Residential Standards)	X	X	<u>CA</u>	P	P	P	X
Foster care homes	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping household pets	P ²	P ³	P ³	P ³	P ³	P ³	P ³
Multiple-family dwellings	X	X	X	X	<u>CA</u>	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	<u>CA</u> ⁷	<u>CA</u> ⁷	<u>CA</u> ⁷	<u>CA</u> ⁷	<u>CA</u> ⁷	P	P
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the immediate family	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	<u>CA</u>	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
B. Commercial Uses.							

Commercial horse riding and bridle trails	<u>CA</u>	X	X	X	X	X	X
Commercial retail, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	<u>CA</u>	<u>CA</u>	<u>CA</u>
Daycare, limited to a mini daycare center. Daycare center, preschool or nursery school may also be permitted but must be located on an arterial	X	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>
Home-based daycare as regulated by RCW 35.63.185 and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 ACC	P	P	P	P	P	P	P
Mixed-use development ⁴	X	X	X	X	<u>GP</u>	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	<u>XC</u>	X	X
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>	P	P
Professional offices, included as part of mixed-use development and not a home occupation in compliance with Chapter 18.60 ACC	X	X	X	X	<u>CA</u>	<u>CA</u>	<u>CA</u>
C. Resource Uses.							
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Greenhouses Commercial greenhouses	P	X	X	X	X	X	X
Keeping of livestock (excluding goats and swine), fowl and rabbits; provided, that there shall not be more than one horse, cow, donkey or other large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the zone ⁵	P	P	X	X	X	X	X
Pasturing and grazing	P	X	X	X	X	X	X
Public and private stables	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	<u>CA</u>	<u>CA</u>	<u>CA</u>
Government facilities	<u>XA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>	<u>CA</u>
Hospitals (except animal hospitals)	X	X	X	X	X	<u>XC</u>	C
Municipal parks and playgrounds	<u>CA</u>	P	P	P	P	P	P

Museums	X	X	X	X	CA	CA	CA
Religious institutions, less than one acre lot size	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D Wireless Communication Facility (see ACC 18.04.912(J))	P	P	P	P	P	P	P
Utility facilities and substations	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶

1. An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120.
2. No more than six pets allowed in the RC zone. This limit shall not include birds, fish or suckling young of pets.
3. No more than four pets allowed in the R1 – R20 zones. This limit shall not include birds, fish or suckling young of pets.
4. Individual uses that make up a mixed-use development must be permitted within the zone. If a use making up part of a mixed-use development requires an administrative or conditional use permit, ~~but mixed-use is permitted, the individual use must apply for and receive a~~ the administrative or conditional use approval, as applicable.
5. Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County board of health, and property owners shall comply with the provisions of the King County board of health code.
6. Excludes all public and private utility facilities addressed under ACC 18.02.040(E).
7. Administrative use permit not required when approved as part of a subdivision or binding site plan.
(Ord. 6245 § 5, 2009.)

Section 4. Amendment to City Code. That Section 18.09.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.09.020 Uses.

Permitted Use Table – Residential Zoning Designations

	Land Use	R-MHC Zone
A	Manufactured/Mobile home community	P
B	Residential accessory use	P
C	Manufactured/Mobile home community accessory use	P
D	Keeping of not more than six household pets. This limit shall not apply to birds, fish, or suckling young of pets.	P
E	Home-based daycare	P
F	Daycare limited to a mini daycare center, daycare center, or	CA

	preschool/nursery school	
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P = Permitted Use

A = Use may be permitted in district when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

C = Use may be permitted in district when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC.

X = Prohibited

Also see ACC 18.02.120 for further rules on interpretation. (Ord. 6245 § 6, 2009.)

Section 5. Amendment to City Code. That section 18.22.020 of the Auburn City Code be and the same hereby is amended to read as follows:

18.22.020 Permitted uses.

Hereafter all buildings, structures or parcels of land shall only be used for the following, unless otherwise provided for in this title:

A. Permitted uses in RO designation:

1. Art and photography studios, including accessory sales;
2. Banks and similar financial institutions, excluding drive-in facilities;
3. Computer sales, including service that is incidental and subordinate to the sales;
4. Duplexes, 3,600 square feet of lot area per dwelling unit is required;
5. Home-based daycare;
6. Multiple-family dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit;
7. Professional offices;
8. Nonresidential multitenant buildings which were constructed prior to June 15, 1987, the adoption date of Zoning Ordinance No. 4229, and were zoned C-1, to occupy any tenant space within the building with a use that is permitted outright within Chapter 18.26 ACC;
9. One detached single-family dwelling not to exceed one single-family dwelling per lot;
10. Accessory uses to permitted residential uses to include residential garage, guest cottage, recreation room, tool shed, noncommercial greenhouse and swimming pool;
11. Keeping of not more than four household pets. This limit shall not include birds, fish or suckling young of pets;
12. Personal service shops.

B. Permitted uses in RO-H designation:

1. Daycare limited to home-based or a mini daycare center;
2. Funeral homes;
3. Hospitals (excluding animal);
4. Medical and dental clinics;
5. Nursing homes;
6. Personal service shops;
7. Pharmacies;
8. Professional offices;
9. Religious institutions;

10. Noncommercial municipal automobile parking facilities;
 11. Other retail sales of products that support the medical community.
- (Ord. 5733 § 1, 2003; Ord. 4562 § 2 (Exh. A), 1992; Ord. 4304 § 1(12), 1988; Ord. 4284 § 1, 1988; Ord. 4229 § 2, 1987.)

Section 6. Amendment to City Code.

That section 18.22.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.22.030 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Conditionally permitted uses in the RO designation:

1. Civic, social and fraternal clubs;
2. Daycare limited to mini daycare center, daycare center, preschools or nursery schools;
3. Government facilities;
4. Nursing homes;
5. Personal service shops;
6. Religious institutions, one acre or larger lot size. ;
7. Restaurants, excluding drive-in facilities.

B. Conditionally permitted uses in RO-H designation:

1. Daycare, limited to daycare center, preschools or nursery schools;
2. Government facilities;
3. Multifamily dwellings, provided 1,200 square feet of lot area is provided for each dwelling unit;
4. Restaurants, excluding drive-in facilities;
5. Other retail sales of products that support the medical community. (Ord. 4562 § 2 (Exh. A), 1992; Ord. 4229 § 2, 1987.)

Section 7. Amendment to City Code.

That Section 18.24.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.24.030 Uses requiring a conditional use permit.

The following uses may be permitted in a C-N district where a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Civic, social and fraternal clubs;

B. Daycare, limited to mini daycare, daycare center, preschools or nursery schools;

C. Drive-in facilities, including banks and restaurants;

D. Government facilities;

E. Liquor serving establishments, provided they are secondary to a restaurant use and limited to on-premises consumption;

F. Religious institutions, one acre or larger lot size;

G. Restaurants and other eating establishments with a seating capacity of more than 25 seats. (Ord. 4229 § 2, 1987.)

Section 8. Amendment to City Code.

That section 18.26.020 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.26.020 Permitted uses.

Hereafter all buildings, structures or parcels of land shall only be used for the following, unless otherwise provided for in this title:

- A. Art, music and photography studios;
- B. Automobile parking facilities;
- C. Bakery and pastry shops, products made must be sold at retail on premises;
- D. Banking and related financial institutions, excluding drive-in facilities;
- E. Bowling alleys;
- F. Caretaker apartment;
- G. Civic, social and fraternal clubs;
- H. Daycare, including home-based, mini daycare, daycare center, preschools or nursery schools;
- I. Delicatessens;
- J. Dry cleaning and laundry services;
- K. Funeral homes;
- L. Grocery stores;
- M. Hobby shops;
- N. Hospitals, to include small animal, but does not allow outside runs or kennels;
- O. Hotels;
- P. Laundry, self service;
- Q. Liquor store;
- R. Massage parlors;
- S. Meeting rooms and/or reception facilities;
- T. Motels;
- U. Newsstands;
- V. News syndicate services;
- W. Nursing home;
- X. Personal service shops;
- Y. Pharmacies;
- Z. Printing and publishing;
- AA. Professional offices;
- BB. Radio and television broadcasting studios;
- CC. Retail stores and shops, including department and variety stores which offer for sale the following, and similar related goods:
 - 1. Antiques,
 - 2. Art supplies,
 - 3. Automobile parts and accessories, excluding service and machine shops,
 - 4. Baked goods,
 - 5. Beverages,
 - 6. Bicycles,
 - 7. Books and magazines,
 - 8. Candy, nuts, and confectionery,

9. Clothing,
10. Computers,
11. Dairy products,
12. Dry goods,
13. Flowers and house plants,
14. Fruits and vegetables,
15. Furniture and home furnishings,
16. Hardware, including electrical, heating, plumbing, glass, paint, wallpaper and related goods,
17. Home garden supplies,
18. Household appliances,
19. Household pets,
20. Housewares,
21. Jewelry and clocks,
22. Meat, fish and poultry, preprocessed,
23. Notions,
24. Office supplies and equipment,
25. Photographic equipment, including finishing,
26. Radio, television, and stereos,
27. Shoes,
28. Sporting goods,
29. Stationery,
30. Toys;

DD. Religious institutions;

EE. Restaurant, including outdoor seating, but excluding drive-in facilities. Sale of alcoholic beverages is a secondary use and is limited to on-premises consumption;

FF. Schools, including art, business, barber, beauty, dancing, martial arts and music;

GG. Secretarial services;

HH. Theaters, except drive-in;

II. Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in this section;

JJ. Apartments, within the North Auburn Business Area as established by Resolution 2283, provided they are located in a multistory building and at least 50 percent of the gross floor area of the ground floor must contain a permitted use or combination of uses, other than parking, as listed in this section. The remaining 50 percent (or portion thereof) of the ground floor may be apartments, conditionally permitted uses, lobby area, recreation, or other uses needed to maintain the building. There are no minimum lot area per dwelling unit density calculations to apply to determine the maximum number of dwelling units allowed; rather, density shall be limited by the application of other required development regulations to the proposal including, but not limited to, off-street parking, setbacks, and landscaping;

KK. Mixed Use Development provided that each use is a permitted or conditional use within the zone;

LL. Multiple family dwellings as part of a mixed use development provided that compliance to all of the following is demonstrated:

1. Multiple family dwellings shall only occur concurrent with or subsequent to the development and construction of non-residential components of the mixed use development; and,

2. Applications for mixed use development inclusive of multiple family residential dwellings shall include transportation and traffic analyses appropriate to the type and scale of the proposed development based on the concurrent determination of the ~~p~~Planning Director-director and City-city Engineer-engineer. The Planning-planning Director-director and City-city Engineer-engineer may require the analysis to address, including but not limited to, AM or PM traffic impacts; and/or area circulation planning for motorized and non-motorized modes of travel and connectivity; and/or Transportation Demand Management (TDM) strategies;

~~and,~~

3. Applications for the mixed use development inclusive of multi-family residential dwellings shall include written and plan information demonstrating compliance to applicable design standards for mixed use development contained in the City of Auburn Multi-Family and Mixed Use Design Standards;

~~and,~~

4. Applications for the mixed use development inclusive of multi-family residential dwellings shall comply, as applicable, with the neighborhood review meeting requirements of ACC 18.02.130 (Neighborhood Review Meeting);

5. Mixed use development comprised of a maximum of one building on a development site shall have the entire ground floor comprised of one or more commercial retail, entertainment or office uses that are permitted outright or conditionally, provided that uses normal and incidental to the building, including but not limited to, interior entrance areas, elevators and associated waiting areas, mechanical rooms, and garbage/recycling areas, may be allowed on the ground floor, except that non-street frontage vehicle garages located on the ground floor together with all other normal and incidental uses shall occupy a maximum of 50 percent of the ground floor space; ~~and~~

6. Mixed use development that is geographically distributed on a development site amongst two or more buildings shall have a minimum of fifty (50) percent of the cumulative building ground floor square footage comprised of one or more commercial retail, entertainment or office uses that are permitted outright or conditionally;

MM. Brew pubs;

NN. Household goods storage, provided the following requirements are met:

1. No more than two main entrances and/or exits to the building and access to the individual storage areas shall be from the inside of the building;

2. Landscaping and architectural improvements required to ensure compatibility with present and potential C-1 uses in the vicinity.

-(Ord. 6253 § 1, Ord. 5666 § 1, 2002; Ord. 4547 § 4 (Exh. B), 1992; Ord. 4229 § 2, 1987.)

Section 9. Amendment to City Code.

That Section 18.26.030 of the Auburn City Code be and the same hereby is amended to read as follows:

18.26.030 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- A. Arcades;
- ~~B. Automobile sales and leasing, new and/or used, including light pick-up trucks and vans but not including recreational vehicles or heavy trucks, provided the following requirements are met:
 - 1. The business shall be located on a major arterial as defined by the city traffic plan;
 - 2. No repairing, painting or body work shall be conducted outside of a building;
 - 3. If adjacent to an R zone, a sight-obscuring fence or landscape screen shall be required;
 - 4. A minimum of a 25-foot setback shall be required of any building from any R zone;
 - 5. Other landscaping or architectural improvements may be required to ensure compatibility with present and potential C-1 uses in the vicinity;~~
- C. Automobile service stations, provided they are located at the intersection of two streets, one of which must be an arterial;
- D. Dance halls;
- E. Drive-in facilities, including banks and restaurants;
- F. Government facilities, excluding offices and related uses that are permitted outright;
- G. Brew pubs;
- H. Utility substations.;
- ~~I. Household goods storage, provided the following requirements are met:
 - 1. No more than two main entrances and/or exits to the building and access to the individual storage areas be from the inside of the building;
 - 2. Landscaping and architectural improvements required to ensure compatibility with present and potential C-1 uses in the vicinity. (Ord. 6253 § 1, Ord. 5383 § 1, 2000; Ord. 4547 § 4 (Exh. B), 1992; Ord. 4265 § 1, 1988; Ord. 4229 § 2, 1987.)~~

Section 10. Amendment to City Code.

That Section 18.28.020 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.28.020 Permitted uses.

Hereafter, all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

- A. Apartments, provided they are located in a multistory building the ground floor of which must contain a permitted use as listed in subsections B through HH of this section. No density limitations shall apply;
- B. Art, music and photography studios;
- C. Automobile parking facilities;
- D. Bakery and pastry shops; products made must be sold at retail on premises;
- E. Banking and related financial institutions. For drive-in facilities see ACC 18.28.030(C);
- F. Caretaker apartment;

- G. Civic, social, and fraternal clubs;
- H. Daycare, including home-based, mini daycare, daycare center, preschools or nursery schools;
- I. Delicatessens;
- J. Dry cleaning and laundry services;
- K. Grocery stores;
- L. Health and physical fitness clubs;
- M. Hobby shops;
- N. Hospitals, to include small animal, but does not allow outside runs or kennels;
- O. Hotels;
- P. Laundry, self service;
- Q. Liquor store;
- R. Massage therapy;
- S. Meeting rooms and/or reception facilities;
- T. Motels;
- U. Newsstands;
- V. News syndicate services;
- W. Nursing homes;
- X. Personal service shops;
- Y. Pharmacies;
- Z. Printing and publishing;
- AA. Professional offices;
- BB. Radio and television broadcasting studios;
- CC. Retail stores and shops, including department and variety stores which offer for sale the following and similar related goods:
 - 1. Antiques;
 - 2. Art supplies;
 - 3. Automobile parts and accessories, excludes service and machine shops;
 - 4. Baked goods;
 - 5. Beverages;
 - 6. Bicycles;
 - 7. Books and magazines;
 - 8. Candy, nuts, and confectionery;
 - 9. Clothing;
 - 10. Computers;
 - 11. Dairy products;
 - 12. Dry goods;
 - 13. Flowers and houseplants;
 - 14. Fruits and vegetables;
 - 15. Furniture and home furnishings;
 - 16. Hardware, including electrical, heating, plumbing, glass, paint, wallpaper and related goods;
 - 17. Home garden supplies;
 - 18. Household appliances;
 - 19. Household pets;
 - 20. Housewares;
 - 21. Jewelry and clocks;
 - 22. Meat, fish and poultry, preprocessed;

- 23. Notions;
- 24. Office supplies and equipment;
- 25. Photographic equipment, including finishing;
- 26. Radio, television, and stereos;
- 27. Shoes;
- 28. Sporting goods;
- 29. Stationery;
- 30. Toys;
- DD. Religious institutions;
- EE. Restaurants, including outdoor seating. For drive-in facilities, see ACC 18.28.030(C). Sale of alcoholic beverages is only allowed pursuant to ACC 18.04.805;
- FF. Schools, including art, business, barber, beauty, dancing, martial arts and music;
- GG. Secretarial services;
- HH. Theaters, except drive-in;
- II. Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in this section;
- JJ. Commuter rail stations and bus transfer stations;
- KK. Commercial recreation. Outdoor recreation areas may be allowed but must be part of and incidental to the principally permitted commercial recreation use. The outdoor area can be no larger than 25 percent of the floor area of the building of the associated commercial recreation use. The entire perimeter of the outdoor recreation area must be landscaped with a five-foot width of Type III landscaping pursuant to ACC 18.50.040(C) unless existing building walls are used;
- LL. Brew pubs;
- MM. Apartments, no density limitations are applied. The first floor of any apartment building that has frontage on Main Street shall contain a use, other than residential or parking, which is otherwise permitted by the C-2 zone. Only that portion of the first floor that fronts on Main Street needs to be occupied by the nonresidential use. All apartment projects on Main Street must meet these requirements and then will be considered a permitted use and therefore a conditional use permit is not required. (Ord. 5555 § 1, 2001; Ord. 5510 § 1, 2001; Ord. 5193 § 1, 1998; Ord. 4914 § 1, 1996; Ord. 4229 § 2, 1987.)

Section 11. Amendment to City Code.

That Section 18.28.030 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.28.030 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. ~~Apartments, no density limitations are applied. The first floor of any apartment building that has frontage on Main Street shall contain a use, other than residential or parking, which is otherwise permitted by the C-2 zone. Only that portion of the first floor that fronts on Main Street needs to be occupied by the nonresidential use. All apartment projects on Main Street must meet these~~

~~requirements and then will be considered a permitted use and therefore a conditional use permit is not required;~~

~~B. Arcades;~~

~~C. Drive-in facilities, including banks and restaurants. No drive-in facilities shall be allowed vehicle access to or from Main Street;~~

~~D. Government facilities, this excludes offices and related uses that are permitted outright;~~

~~E. Brew pubs;~~

~~F. Utility substations;~~

~~G. Any expansion of the space, volume, area or facilities of any automobile repair, maintenance or service, automobile service station, or car wash business that existed before the effective date of Ordinance No. 5555. Any such expansion must be physically connected to the existing business, must be contained within the same lot or adjusted lot as the existing business and cannot be separated by a street or alley;~~

~~H. Gasoline dispensing facilities for passenger vehicles, provided the following requirements, which supersede the requirements of ACC 18.28.050(F), are met. These facilities are not intended to be the same as or allow for an automobile service station as defined by ACC 18.04.140.~~

~~1. The facility must be accessory to an existing retail/service establishment in which the principal tenant has a minimum floor area of at least 25,000 square feet. The principal tenant must own and/or manage the facility. The facility must be located on the same parcel of property as the principal tenant and the property must be at least 100,000 square feet in area.~~

~~2. The facility must be located on the property to minimize the amount of conflict to the pedestrian traffic.~~

~~3. The facility must be located on and have direct access to an arterial using existing curb cuts and driveways whenever practical. If the curb cuts and driveways do not meet current city standards then they shall be brought up to such standards.~~

~~4. The facility cannot interfere with the existing parking and/or traffic circulation on the property. There shall be enough room on the property to allow for adequate stacking space for vehicles waiting for fuel in order to avoid cars interfering with vehicles on the street. The facility cannot reduce the amount of parking required by the zoning code.~~

~~5. The facility shall have a roof that covers all activities including the pay window, refuse containers, fuel pumps and the adjacent parking area for the cars being fueled. The area that is covered by the roof of the facility shall be no larger than 6,000 square feet. The number of pumps shall be limited to five such that no more than 10 vehicles may be fueled at any one time.~~

~~6. Columns or similar architectural features shall be provided that screen the visibility of the pump islands as well as give the visible impression of enclosing the structure. If necessary, provisions must be made to avoid a safety issue of enclosing any fumes associated with the fueling of the vehicles. The overall height of the facility shall not exceed 20 feet.~~

~~7. The design, architectural treatment and streetscape features of the facility must be consistent with the design concepts as outlined in paragraph "P" of Section 1.4 of the downtown plan as well as provide some design continuity between the facility and primary structure.~~

~~8. A five foot width of Type III landscaping shall be provided along the street frontage(s) that the facility is oriented to.~~

~~9. Any other products for sale shall only be displayed within the building containing the pay window and any such products shall be incidental to automobile care/maintenance, or snacks and beverages. No sales of alcoholic beverages will be allowed.~~

~~10. Signs shall be limited to permanent wall signs, attached to the face of the canopy, only.~~

~~11. The application for the conditional use permit shall illustrate how it complies with these standards. (Ord. 5555 § 1, 2001; Ord. 5510 § 1, 2001; Ord. 5383 § 1, 2000; Ord. 5193 § 1, 1998; Ord. 4914 § 1, 1996; Ord. 4229 § 2, 1987.)~~

Section 12. Amendment to City Code.

That Section 18.29.055 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.29.055 Uses/activities requiring a conditional use permit.

The following uses/activities may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

~~A. Expansions of existing automobile maintenance and repair businesses.~~

~~B. Expansions of existing gasoline stations.~~

~~C. Animal daycare businesses that feature outdoor exercise areas and/or kennels.~~

~~D. Expansion or alteration of any existing structure not exempted under ACC 18.29.020(C) that does not result in a FAR of 0.75 or greater.~~

~~E. Any development project that seeks to deviate from any development standard listed in ACC 18.29.060. (Ord. 6071 § 6 (Exh. A), 2007.)~~

Section 13. Amendment to City Code.

That Section 18.30.030 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.30.030 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

~~A. Apartments; provided, that 1,200 square feet of lot area is provided for each dwelling unit;~~

~~B. Government facilities, this excludes offices and related uses that are permitted outright;~~

~~C. Miscellaneous light manufacturing including toys, jewelry, ceramic, musical instruments and similar products, apparel and other finished products made from fabrics, leather, and similar materials, manufacturing of professional, scientific, and controlling instruments such as photo and optical goods, watch and clock manufacturing, and similar products, with retail sales of products manufactured on the premises;~~

~~D. Nursing homes;~~

~~E. Semi-tractor and trailer sales;~~

~~F. Utility substations;~~

~~G. Heliports;~~

HD. Work release, prerelease or similar facilities offering alternatives to imprisonment under the supervision of a court, state or local government agency, and meeting the standards established under ACC 18.48.090. (Ord. 5835 § 4, 2004; Ord. 4910 § 1, 1996; Ord. 4590 § 5 (Exh. D), 1992; Ord. 4283 § 1, 1988; Ord. 4229 § 2, 1987.)

Section 14. Amendment to City Code. That Section 18.32.020 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.32.020 Permitted uses.

Hereafter all buildings, structures, or parcels of land in an M-1 light industrial district shall only be used for the following, unless otherwise provided for in this title:

- A. Automobile service and repair;
- B. Automobile washes;
- C. Banks and financial institutions;
- D. Building and construction contractor services;
- E. Caretaker quarters, not more than one per establishment;
- F. Cold storage plants;
- G. Daycare, including mini daycare centers, daycare centers, preschools or nursery schools;
- H. Equipment rental and leasing;
- I. Gasoline filling station;
- J. General offices;
- K. Health and physical fitness clubs;
- L. Horticultural nurseries, excluding soil mixing;
- M. Household movers and storage;
- N. Janitorial services;
- O. Job training and vocational rehabilitation;
- P. Manufacturing, assembling and packaging of articles, products and merchandise when conducted entirely within an enclosed building;
- Q. Mini-storage warehouses;
- R. Motels and hotels;
- S. Multiple-family dwellings, provided they are located in a multi-story building the ground floor of which must contain one of the following uses listed in subsections (C), (J), (K), (T), (W), (X), (Z) and (AA) of this section. The ground floor may contain entrance and lobby areas which serve the dwellings;
- T. Personal service shops;
- U. Printing, publishing, and allied industries including such processes as lithography, etching, engraving, binding, blueprinting, photocopying, and film processing;
- V. Research, development and testing;
- W. Restaurants;
- X. Retail sales of all types;
- Y. Retail sales and rental of automobiles, trucks, motorcycles, recreational vehicles and boats;
- Z. Reupholstery and furniture repair;
- AA. Small appliance repair;

BB. Warehousing and distribution facilities, to include wholesale trade not open to the general public. This includes motor freight transportation as an incidental use but specifically excludes motor freight transportation as the principal use of the property;

CC. Other similar uses and accessory uses and buildings appurtenant to a principal use which the planning director or designee finds compatible with the principal permitted uses described in this chapter and consistent with the purpose and intent of the M-1 zone;

DD. Sexually oriented businesses as provided in Chapter 18.74 ACC;

EE. Commercial recreation, including animal race tracks. (Ord. 6120 § 1, 2007; Ord. 6033 § 1, 2006; Ord. 5863 § 1, 2004; Ord. 5835 § 5, 2004; Ord. 4910 § 1, 1996; Ord. 4294 § 1(15), 1988; Ord. 4249 § 1, 1987; Ord. 4229 § 2, 1987.)

Section 15. Amendment to City Code.

That Section 18.32.040 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.32.040 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

~~A. Auction houses, excluding animals;~~

~~B. Commercial recreation, including animal race tracks;~~

~~C. Government facilities;~~

~~D. Heliports;~~

~~EE. Radio and television transmitting towers;~~

~~FC. Religious institutions, to be located in existing facilities only;~~

~~G. Utility substations, unless clearly incidental and part of a permitted use. Then the substation shall be permitted outright;~~

~~HD. Work release, prerelease or similar facilities offering alternatives to imprisonment under the supervision of a court, state or local government agency, and meeting the standards established under ACC 18.48.090;~~

~~IE. Secure community transition facilities meeting the standards established under ACC 18.48.150 and Chapter 71.09 RCW. (Ord. 6120 § 1, 2007; Ord. 6033 § 1, 2006; Ord. 5863 § 3, 2004; Ord. 5835 § 6, 2004; Ord. 5690 § 1, 2002; Ord. 4910 § 1, 1996; Ord. 4590 § 6 (Exh. E), 1992; Ord. 4304 § 1(17), 1988; Ord. 4229 § 2, 1987.)~~

Section 16. Amendment to City Code.

That Section 18.33.030 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.33.030 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Radio and television transmitting towers;

~~B. Religious institutions, to be located in existing facilities only;~~

~~C. Utility substations, unless clearly incidental and part of a permitted use. Then the substation shall be permitted outright. (Ord. 6036 § 10, 2006.)~~

Section 17. Amendment to City Code.

That Section 18.33.050 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.33.050 Supplemental development standards.

Supplemental development standards in an environmental park district are as follows:

A. All activities shall be conducted entirely within a building except as follows:

1. Horticulture activities.
2. Outdoor storage associated with light manufacturing uses pursuant to ACC 18.33.020(K).
3. Refuse containers, provided they are screened from adjoining property and public or private right-of-way with a masonry fence and a five-foot width Type III landscaping.

4. Uses listed as requiring an administrative or conditional use permit which require some outdoor activity or display.

B. All odors, noise, vibrations, heat, glare, or other emissions are controlled within the confines of a building.

C. Loading and unloading docks shall not be visible from the street.

D. Mechanical equipment on rooftops shall be sited and designed to minimize noise and effectively screen the equipment from view from adjacent properties and rights-of-way. The following methods, or a combination thereof, may be used:

1. Set back from the roof edge to obscure visibility from below;
2. Integration into the building architecture, using building walls, roof wells or roof parapets to conceal the equipment;
3. Equipment enclosure or sight-obscuring fencing or landscaping;
4. Overhead trellis or roof to obscure visibility from above.

Materials used to screen mechanical equipment shall be the same as or compatible with the design of the principal structure.

E. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities, shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities are prohibited. (Ord. 6036 § 10, 2006.)

Section 18. Amendment to City Code.

That Section 18.34.040 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.34.040 Uses requiring a conditional use permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Animal and food processing including the following:

1. Animal slaughtering;
2. Curing, canning, freezing, and processing of meat and seafood;
3. Pickling and brine curing;
4. Rendering of animal or fish grease or tallow;
5. Tanning and dressing of hides;

B. Asphalt batch plants;

C. Auction houses, including animals;
 D. Automobile wrecking and salvage;
 E. Bulk storage or processing of oil, gas, petroleum, butane, liquid petroleum, gas and similar products, unless clearly incidental and secondary to support a principally permitted use;
 F. Bulk storage of explosives and fireworks;
~~G. Commercial laundries;~~
~~H. Commercial recreation, including animal race tracks;~~
 IG. Concrete mixing and batching plants, including ready-mix concrete facilities;
~~J. Drive-in theaters;~~
~~K. Government facilities;~~
 LH. Heavy metal processing, including blast furnaces, drop forges, and similar heavy metal operations;
 MI. Heliports;
 NJ. Manufacture of:
 1. Ammunition and explosives;
 2. Paving and roofing materials or other products from petroleum derivatives;
~~O. Motels;~~
~~P. Processing or pulping of wood or other fibers;~~
 QK. Radio and television transmitting towers;
 RL. Rock crushing plants;
 SM. Refining of materials such as petroleum, metals and ores, fats and oils;
 TN. Salvage yards for the storage of metals, paper, glass, rags, building materials, and similar activities;
 UO. Solid waste processing facility;
~~V. Taverns;~~
 WP. Utility substations, unless clearly incidental and part of a permitted use. Then the substation shall be permitted outright;
~~X. Warehouse sales, open to the public, must have a minimum of 50,000 square feet of floor space;~~
 YQ. Off-site hazardous waste treatment and storage facilities subject to compliance with the state siting criteria (Chapter 70.105 RCW);
 ZR. Secure community transition facilities meeting the standards established under ACC 18.48.150 and Chapter 71.09 RCW. (Ord. 6033 § 2, 2006; Ord. 5835 § 8, 2004; Ord. 5690 § 2, 2002; Ord. 4910 § 1, 1996; Ord. 4662 § 2, 1994; Ord. 4294 § 4, 1988; Ord. 4262 § 2, 1988; Ord. 4229 § 2, 1987.)

Section 19. Amendment to City Code.

That Section 18.44.030 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.44.030 Uses requiring a conditional use permit.

The following uses, when owned and operated in conjunction with an outright permitted use as listed in ACC 18.44.020, may be permitted in an I district when

a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- A. ~~Category I: Colleges and universities;~~
- B. ~~Category II: Category II uses must be owned and operated in conjunction with an outright permitted use as listed in ACC 18.44.020:~~
 - 4. ~~Airport landing area;~~
 - 2B. ~~Assembly/light manufacturing;~~
 - 3C. ~~Establishments serving alcoholic beverages;~~
 - 4D. ~~Manufactured home parks;~~
 - 5E. ~~Multiple-family dwellings;~~
 - 6F. ~~Retail sales and service;~~
 - 7G. ~~Duplexes. (Ord. 4528 § 4 (Exh. B), 1991; Ord. 4229 § 2, 1987.)~~

Section 20. Amendment to City Code. That Section 18.50.050 of the Auburn City Code be and the same hereby is amended to read as follows:

18.50.050 Regulations by zone.

A. ~~R-RR-C, R-SR-1, LHR5, R-4R-5, LHR1, R-2R-7, LHR2, R-3, and LHR3 R-10 Residential Districts~~Zones. Landscaping shall only be required in conjunction with an administrative or conditional use permit. The type and amount of landscaping to shall be determined at that time the CUP administrative or conditional use permit is approved.

B. ~~R-16 and R-4 and LHR4 Districts~~R-20 Residential Zones.

- 1. Street frontage: five-foot width of Type III;
- 2. ~~Adjacent to~~Abutting ~~R-RC, R-S1, LHR5, R-15, LHR1, R-2, or LHR2 R-7 zone:~~ five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II;
- 3. ~~Adjacent to~~Abutting ~~R-3-10 or LHR3 zone:~~ five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III.

C. RO and RO-H Districts.

- 1. Street frontage: 10-foot width of Type III;
- 2. ~~Adjacent to~~Abutting ~~R-RC, R-S1, R-15, R-27, or R-3-10 zone:~~ 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;
- 3. ~~Adjacent to~~Abutting ~~R-16, R-420, R-MHPMHC:~~ five-foot width of Type IV, adjacent parking or driveways will require a five-foot width of Type III;
- 4. For conversions of single-family residences to commercial uses within the RO district, existing healthy landscaping may be retained and utilized or supplemented to meet the intent of the code requirements as determined by the planning, building, and community director or designee. See ACC 18.50.060 for plan requirements.

D. I, ~~LHI, C-1, LHC1, C-2, C-N, P-1, and LHP1 Districts.~~

- 1. Street frontage: five-foot width of Type III, no street frontage landscaping is required for the C-2 zone except for parking lots and as may be required by ACC 18.28.050(F);
- 2. ~~Adjacent to~~Abutting ~~R-RC, R-S1, LHR5, R-15, LHR1, R-27, LHR2, R-3, or LHR-103 zone:~~ five-foot width of Type II, adjacent parking or driveways will require a five-foot width of Type I;

3. ~~Adjacent to~~Abutting ~~R-16, R-420, LHR4, RO, RO-H, R-MHP, or LHR-MHP-MHC~~ zone: five-foot width of Type III, adjacent parking or driveways will require a five-foot width of Type II.

E. C-3, LF Districts.

1. Street frontage: five-foot width of Type III;
2. ~~Adjacent to~~Abutting ~~R-RC, R-S1, R-45, R-27, or R-3-10~~ zone: 10-foot width of Type II, adjacent parking or driveways will require a 10-foot width of Type I;
3. ~~Adjacent to~~Abutting ~~R-416, R-20, RO, RO-H or R-MHP-MHC~~ zone: 10-foot width of Type III, adjacent parking or driveways will require a 10-foot width of Type II;
4. Outdoor storage yards ~~adjacent to~~abutting any C, P, I or M-1 zone.

F. M-1 District.

1. Street frontage: 10-foot width of Type III, an additional 10-foot width will be required when loading and unloading docks face a street. In lieu of the additional 10-foot width of Type III landscaping, a Type II landscaping may be provided;
2. ~~Adjacent to~~Abutting any R zone: 10-foot width of Type I;
3. ~~Adjacent to~~Abutting I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
4. ~~Adjacent to~~Abutting C-3, LF zone: 10-foot width of Type III, adjacent outdoor storage yards will require a 10-foot width of Type I;
5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type III landscaping shall be placed next to the building;
6. Outdoor storage yards ~~adjacent to~~abutting other M-1 zoned property shall have a minimum width of a five-foot Type I landscaping;
7. ~~Adjacent to~~Abutting the Interurban Trail. Outdoor storage yards ~~adjacent to~~abutting the Interurban Trail (regardless of the zoning of the Interurban Trail) shall have a minimum 10-foot width of Type I landscaping.

G. M-2 District.

1. Street frontage: 10-foot width of Type III;
2. ~~Adjacent to~~Abutting any R zone: 30-foot width of Type I;
3. ~~Adjacent to~~Abutting I, C-1, C-2, P-1, or C-N zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
4. ~~Adjacent to~~Abutting C-3 or LF zone: 10-foot width of Type II, adjacent outdoor storage yards will require a 10-foot width of Type I;
5. For those buildings that have frontage on a street a minimum of a 10-foot width of Type II landscaping shall be placed next to the building.

H. BP District. The amount and type of landscaping shall be determined at the time of the approval of the business park. The landscaping requirements shall, however, be guided by the M-1 requirements and a minimum of 15 percent of the business park shall be landscaped.

I. EP District.

1. Except as provided for in subsection (I)(2) of this section, all required yards shall be landscaped with Type III landscaping.
2. The planning director may reduce the width of required landscaping by up to 50 percent for projects employing drip irrigation or similar water conservation measures, use of native plant materials, or xeriscaping.
3. In no case shall less than 15 percent of the lot be landscaped.

4. Outdoor storage areas shall be screened with a minimum width of five-foot Type I landscaping. (Ord. 6231 § 4, 2009; Ord. 6036 § 3, 2006; Ord. 5863 § 5, 2004; Ord. 5342 § 2, 2000; Ord. 4914 § 1, 1996; Ord. 4304 § 1(36) – (39), 1988; Ord. 4229 § 2, 1987.)

Section 21. Amendment to City Code.

That Section 18.54.060 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.54.060 Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.

A. Ordinary maintenance of a nonconforming structure which includes minor interior and exterior repairs and incidental alterations is permitted. Minor maintenance and repair may include but is not limited to painting, roof repair and replacement, plumbing, wiring, mechanical equipment replacement, and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

B. No structural alterations, as defined by the Uniform Building Code, shall be made except as required by law or ordinance; provided, that the cost of such work shall not exceed 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll.

C. A nonconforming structure having been damaged or partially destroyed to an extent not exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, may be restored to its original condition, as authorized by the city's building official, and its immediately preceding or existing use at the time of partial destruction may be continued or resumed. Restoration shall begin within one year and be completed within two years of the date of partial destruction. If restoration is not started within one year, then the reuse and occupancy of the structure shall conform to all the regulations of the district in which the use is located.

D. Structures or lands which are nonconforming as to use regulations shall not be enlarged or intensified in any manner unless the enlargement within such structures or lands conforms to all regulations of the district in which it is located. A nonconforming use, within a nonconforming structure, shall not expand into any portion of the nonconforming structure.

E. Structures which are nonconforming as to percentage of site coverage, setbacks, building height or density shall not be enlarged unless such enlargement conforms to the regulations of the district in which it is located.

F. Nonconforming residential structures are allowed to provide maintenance, alterations and additions which may exceed the requirements of this chapter; provided the total number of dwelling units does not increase and all other development standards of the district are complied with.

G. This chapter shall not prevent the following provided the total value of the improvements, over the lifetime of the nonconforming use, does not exceed 50 percent of the assessed value of the nonconforming use as established by the most current county assessor's tax roll; and, the nonconforming use or structure is not expanded except as allowed by subsection H of this section; provided further, that any replacement of a nonconforming structure, or parts thereof, must

comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020.

1. Strengthening or restoring to a safe condition any nonconforming structure or part thereof which is declared to be unsafe or a hazard to the public by the order of a city official charged with protecting the public safety;

2. Lessening a hazardous situation, nuisance or other adverse environmental impact;

3. Bringing the structure or use into more conformance with this title;

4. Adapting the structure to new technologies or equipment;

5. Improvements which do not increase the intensity of the nonconforming use.

H. A nonresidential structure or use which becomes a legal nonconforming structure or use after the effective date of the ordinance codified in this title may be permitted by means of a special exception issued by the hearing examiner pursuant to ACC 18.70.020 to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of the ordinance codified in this title; provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

This section does not allow the expansion of a use or structure which would be inconsistent with a previously authorized administrative use permit, conditional use permit, special property use permit, contract rezone, or binding agreement between the city and the property owner.

This section also does not allow the expansion of any nonconforming hazardous material storage.

I. When a building or structure is moved to another location it must then be made to conform to the requirements of the district to which it is moved, unless specifically allowed elsewhere by this title.

J. Nonconforming single-family residential homes and their accessory structures may be replaced and the new structure shall either meet the development standards of the district in which the home is located or the new structure shall not be more nonconforming than the previous use. All other applicable building and fire code requirements must be complied with. (Ord. 5170 § 1, 1998; Ord. 4705 § 2, 1994; Ord. 4304 § 1(43), 1988; Ord. 4229 § 2, 1987.)

Section 22. Amendment to City Code.

That Chapter 18.64 of the Auburn

City Code be and the same hereby is amended to read as follows:

Chapter 18.64 ADMINISTRATIVE AND CONDITIONAL USE PERMITS

Sections

18.64.010 Intent.

18.64.020 Process.

18.64.030 Application.

18.64.035 Site Plan.

18.64.040 Findings of fact.

18.64.050 Conditions and period of approval.

18.64.055 Appeals.

18.64.060 Time limitations.

18.64.070 Revocation of permit.

18.64.010 Intent.

~~A. It is the intent of this chapter to provide for a process to allow for uses that are not permitted outright within a zone. These Such uses typically require a special degree of control to make sure that the uses they are consistent with the intent of the zone and compatible to with other existing and permitted uses within the zone and to prevent and abate public nuisances. Only those uses listed as requiring either an administrative or conditional use permit, within a particular zone, qualify for this process. The planning director or designee may determine that other similar uses, which are not listed, may also qualify for this process. This process shall ~~is not to replace the variance procedure in Chapter 18.70 ACC or be used to permit uses that are prohibited not allowed within the zone.~~ (Ord. 4840 § 1, 1996; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)~~

~~B. Uses subject to administrative use approval are those which typically have some potential for impacts to neighboring properties, but which may be permitted within a zone following review by the City to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone.~~

~~C. Uses subject to conditional use approval are those uses that typically have a greater intensity and/or potential for impacts to surrounding properties, and/or special characteristics that may not generally be appropriate as a use permitted outright within a zone, but may be permitted subject to review by the hearing examiner to establish conditions to protect public health, safety and welfare, and to assure compatibility with other uses in the zone.~~

~~Only those uses listed as requiring either an administrative or conditional use permit, within a particular zone, qualify for this process. The planning director may determine that other similar uses, which are not listed, may qualify for this process. This process is not to replace the variance procedure or to permit uses that are not allowed within the zone. (Ord. 4840 § 1, 1996; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)~~

18.64.020 Process.

~~A. Conditional Use Permits. A request for a conditional use permit shall be heard by the hearing examiner in accordance with the provisions of Chapter 18.66 ACC. The hearing examiner shall make the final decision.~~

~~BA. Administrative Use Permits. An application for an administrative use permit shall be reviewed in accordance with ACC Title 14 as a Type II decision, subject to the additional provisions of this section. is a process to allow certain uses which require some review in order to properly site them within the zone. It is intended to provide an administrative process to provide an efficient review of uses to ensure the use is compatible and consistent with other existing and permitted uses in the zone. This process shall only be used in those zones that specifically allow administrative uses.~~

~~4. The planning director or designee shall review and approve make the final decision unless the application is forwarded to the hearing examiner pursuant to ACC 18.64.020(A)(2), in which case the hearing examiner will make the final decision.~~

~~all administrative uses. Upon receipt of a proper application the director shall within 15 working days approve or deny the permit.~~

~~2. The director's decision shall be forwarded to the applicant.~~

31. Additional public notice requirements. Administrative use permits for uses in the following zones shall be subject to the additional public notice requirements in paragraphs a and b of this subsection: R-C Residential Conservancy Zone, C-N Neighborhood Shopping District, C-1 Light Commercial District, C-2 Neighborhood Business District, C-3 Heavy Commercial District, M-1 Light Manufacturing District, M-2 Heavy Manufacturing District, BP Business Park District:

a. Public notice in accordance with the provisions of ACC 14.07.040 shall be provided. The mailing radius requirement of ACC 14.07.040(a) shall be increased to 500 feet; and

b. In addition to the methods of providing notice required by ACC 14.07.040, public notice shall be posted on the City's website.

2. Following the public comment period provided for in Title 14, the planning director or designee shall:

a. Review the information in the record and render a decision pursuant to the procedural requirements of ACC Title 14; or

b. Within 10 days following the close of the public comment period, forward the application to the hearing examiner for a public hearing and final decision in accordance with Chapter 18.66 ACC if the planning director or designee determines that one or more of the following exists:

a. Public comments indicate a substantial degree of concern, controversy, or opposition to the proposal; or

b. A public hearing is necessary to address issues of vague, conflicting, or inadequate information; or

c. The application raises a sensitive or controversial public policy issue; or

d. A public hearing might clarify issues involved in the permit decision.

c. When a public hearing before the hearing examiner is deemed necessary by the planning director or designee:

i. The city shall provide written notice to the applicant within 10 days following the closing of the public comment period that the application is being forwarded to the hearing examiner for public hearing and decision pursuant to the procedural requirements of this chapter. The notice shall specify the reason the application is being forwarded to the hearing examiner;

ii. Processing of the application shall not proceed until any supplemental permit review fees set forth in the City of Auburn fee schedule are received; and

iii. The application shall be deemed withdrawn if the supplemental fees are not received within 30 days of the applicant notification by the city.-

B. Conditional Use Permits. An application for a conditional use permit shall be reviewed in accordance with ACC Title 14 as a Type III decision. A request for a conditional use permit shall be heard by the hearing examiner in accordance with the provisions of Chapter 18.66 ACC. The hearing examiner shall make the final decision.

~~4. Any affected party may appeal the planning director's decision to the hearing examiner. An appeal must be filed within 14 days of the date of mailing of the director's decision. Mailing of the notice shall be by certified mail. The appeal shall be scheduled for the next regularly scheduled meeting of the hearing~~

examiner, for which proper public notice can be provided. The city shall extend the appeal period for an additional seven days for administrative use permits that are accompanied by a final mitigated determination of nonsignificance or final EIS.

5. The appeal shall be processed consistent with the provisions of ACC 14.20.120.

C. When a proposal includes more than one element that require administrative use and/or conditional use approval, the following review processes shall apply:

1. For proposals with multiple administrative use elements, a single administrative use permit application will be required, provided that findings of fact pursuant to ACC 18.64.040 are made for each element.

2. For proposals with administrative and conditional use elements, a single conditional use permit application will be required, provided that findings of fact pursuant to ACC 18.64.040 are made for each element. (Ord. 6185 § 5, 2008; Ord. 5811 § 6, 2003; Ord. 4875 § 1, 1996; Ord. 4840 § 1, 1996; Ord. 4304 § 1(45), 1988; Ord. 4229 § 2, 1987.)

18.64.030 Application.

A. In addition to the requirements for a complete application as set forth in ACC Title 14, an application shall be required for approval of for an administrative or conditional use permit which shall include a site plan that illustrates the following:

1. A completed permit application form signed by the property owner(s) and/or applicant;

2. A statement that the applicant attests by written oath to the accuracy and completeness of all information submitted for an application;

3. A site plan meeting the requirements of the applicable submittal checklist, which at a minimum includes the information in ACC 18.64.035;

4. Applicable filing fee(s), if any, as established in the current city of Auburn fee schedule and relevant deposit(s), if any, as permitted or required by other chapters or sections of the Auburn City Code;

5. Any additional information as required by the applicable submittal checklist or other chapters of this title for the proposed use.

1. Vicinity map;

2. Name, address, phone number of property owner;

3. Name, address, phone number of engineer or agent;

4. Boundaries and dimensions of property;

5. Adjacent public streets;

6. Easements, existing and proposed;

7. Location and size of all existing and proposed utilities;

8. Location of building, including setbacks;

9. Location and layout of off-street parking;

10. Location and height of fences;

11. Location and size of signs;

12. Landscape detail;

13. Indication of height of buildings.

B. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet. The site plan must be easily reproducible and on a sheet size no larger than 24 inches by 36 inches; more sheets may be allowed if

~~necessary. A reproducible and seven copies of the site plan shall be submitted at time of application.~~

18.64.035 Site Plan.

A. The site plan required by ACC 18.64.030(A)(3) shall include the following information:

1. Vicinity map;
2. Name, address, phone number of property owner;
3. Name, address, phone number of engineer or agent;
4. Boundaries and dimensions of property;
5. Adjacent public streets;
6. Easements, existing and proposed;
7. Location and size of all existing and proposed utilities;
8. Location of building(s), including setbacks;
9. Location and layout of off-street parking;
10. Location and height of fences;
11. Location and size of signs;
12. Landscape detail including but not limited to type and location of vegetation, initial and mature planting sizes and methods of irrigation;
13. Building/structure heights;
14. Exterior lighting detail including but not limited type and location of pole-mounted and wall-mounted lights, fixture type and wattage, shielding and light orientation methods and on-site and off-site photometric impacts.

B. The submitted site plan shall be adopted and made part of any approved administrative or conditional use permit. For the duration of any administrative or conditional use permit, subsequent building permits and construction activity shall be in accord with the approved site plan.

C. Adjustments to the site plan may be approved as follows:

1. Minor Adjustments. Minor adjustments to the site plan may be made and approved by the planning director or designee. Minor adjustments are those which may affect the precise dimensions or siting of buildings, but which do not affect the basic character or arrangement of buildings approved, nor the development coverage of the development or the open space requirements. Such dimensional adjustments shall not vary more than 10 percent from the original.

2. Major Adjustments. Major adjustments are those, when determined by the planning director or designee, that substantially change the basic design, coverage, open space or other requirements of the permit. When the planning director or designee determines a change constitutes a major adjustment, no building or other permit shall be issued for the use without prior review and approval such adjustment.

a. The submittal requirements, and review and approval process for a major adjustment to the site plan of an approved administrative or conditional use permit shall be substantially the same as that required for the original administrative or conditional use permit. An application for major adjustment meeting the information requirements of ACC 18.64.030 shall be submitted. At the discretion of the planning director or designee, the applicant may be able to resubmit or incorporate by reference some portions of the original administrative or conditional use permit submittal as part of the application for major adjustment, however the application for major adjustment shall be subject to the

same submittal, processing, and findings of fact requirements of this chapter for administrative or conditional use permits, as applicable.

18.64.040 Findings of fact.

Administrative and conditional use permits may only be approved if findings of fact are drawn to support the following:

A. The use will not have ~~no more~~ a substantively greater adverse effect on the health, safety or comfort of persons living or working in the area and will not be ~~no~~ substantively more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district.

Among matters to be considered are traffic flow and control, access to and circulation within the property, off-street parking and loading, refuse and service area, utilities, screening and buffering, signs, yards and other open spaces, height, bulk, and location of structures, location of proposed open space uses, hours and manner of operation, and noise, lights, dust, odor, fumes and vibration;

B. The proposal is in accordance with the goals, policies and objectives of the comprehensive plan;

C. The proposal complies with all requirements of this title;

D. The proposal can be constructed and maintained so as to be harmonious and appropriate in design, character, and appearance with the existing or intended character of the general vicinity;

E. The proposal will be supported by adequate public facilities and services and will not adversely affect the public infrastructure;

F. The proposal will not cause or create a public nuisance;

G. The proposal's impacts can be appropriately mitigated through the application of conditions of approval, as applicable.

-(Ord. 4840 § 1, 1996; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)

18.64.050 Conditions and period of approval.

A. In order to mitigate any significant adverse impact or support a finding of fact or prevent and abate public nuisances associated with the proposal, conditions may be imposed which could increase requirements in the standards, criteria, or regulations of this title or other city legislation or adopted policies.

B. Administrative or conditional use permit approvals shall be valid for the specific use authorized on a property, subject to the revocation provisions of ACC 18.64.070. A change in use shall cause the administrative or conditional use permit to automatically expire.

C. Administrative or conditional use permit approvals, or the portions thereof, that authorize hours of operation shall be valid for the specific use and hours of operation authorized on a property, subject to the revocation provisions of ACC 18.64.070. A change in use or hours of operation outside that authorized by the administrative or conditional use permit shall cause the permit to automatically expire. (Ord. 4840 § 1, 1996; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)

18.64.055 Appeals.

A. Administrative use permits. Any affected party may appeal the planning director's final decision to the hearing examiner as provided for in ACC 14.13 and ACC 18.70. If the planning director forwards an application to the hearing examiner for a public hearing and decision pursuant to ACC 18.64.020(A)(2)(b), a request for reconsideration and/or appeal of the hearing examiner's final decision may be submitted as provided for in ACC 18.66. The planning director's decision to forward an application to the hearing examiner for public hearing and decision may not be appealed.

B. Conditional use permits. Any affected party may submit a request for reconsideration and/or appeal the hearing examiner's final decision as provided for in ACC 18.66.

18.64.060 Time limitations.

A. Unless specified elsewhere, an administrative or conditional use permit shall be implemented within two years of the approval. If a building permit or occupancy permit is required for the administrative or conditional use and has not been issued within the two-year period then the administrative or conditional use permit shall be null and void.

B. The planning director or designee may grant one extension of the time period for implementation of the administrative or conditional use permit of up to 12 months following the submittal of a written request by the holder of the permit a minimum of thirty (30) calendar days prior to the expiration date of the permit. (Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

18.64.070 Revocation of permit.

The building official/planning director or designee may revoke or suspend any permit granted under the chapter if any of the following conditions is found to exist:

A. Fraud in obtaining the permit;

B. Concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports;

C. The operation is found to be in violation of the approved plans, conditions of approvals, or the terms of the permit and the owner has failed to correct the violation after proper notice thereof. (Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

Section 23. Amendment to City Code.

That Section 18.70.010 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.70.010 Variances.

A. Subject to conditions, safeguards and procedures provided by this title, the hearing examiner may be empowered to hear and decide applications for variances from the terms of this title; provided the hearing examiner may approve a variance only if the request conforms to all of the following criteria. The examiner must enter findings of fact and conclusions of law which support the following criteria and any conditions:

1. That there are unique physical conditions including narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular lot; and that, as a result of

such unique physical conditions, practical difficulties or unnecessary hardships arise in complying with provisions of this title.

2. That, because of such physical conditions, the development of the lot in strict conformity with the provisions of this title will not allow a reasonable and harmonious use of such lot.

3. That the variance, if granted, will not alter the character of the neighborhood, or be detrimental to surrounding properties in which the lot is located. For nonconforming single-family homes, this finding is determined to be met if the features of the proposed variance are consistent with other comparable features within 500 feet of the proposal.

4. That the special circumstances and conditions associated with the variance are not a result of the actions of the applicant or previous owners.

5. Literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

6. The approval of the variance will be consistent with the purpose of this title and the zoning district in which the property is located.

7. The variance will not allow an increase in the number of dwelling units permitted by the zoning district.

8. The authorization of such variance will not adversely affect the comprehensive plan.

9. The variance shall not allow a land use which is not permitted under the zoning district in which the property is located.

10. The variance shall not change any regulations or conditions established by surface mining permits, administrative use permits, conditional use permits or contract rezones authorized by the city council.

B. In authorization of a variance, the hearing examiner may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as he may deem necessary to carry out the spirit and purpose of this title and in the public interest.

C. A variance so authorized shall become void after the expiration of one year, or longer period if specified at the time of issuance, if no building permit, occupancy permit or business registration has been issued in accordance with the plans for which such variance was authorized. The hearing examiner may extend the period of variance authorization for one additional year without public hearing upon a finding that there has been no basic change in pertinent conditions surrounding the property at the time of the original application. (Ord. 4840 § 1, 1996; Ord. 4705 § 2, 1994; Ord. 4229 § 2, 1987.)

Section 24. Amendment to City Code.

That Section 18.70.020 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.70.020 Special exceptions.

A. Only the following special exceptions may be granted by the hearing examiner after a public hearing is held pursuant to ACC 18.70.040:

1. Platted lots within the same block and same zone, but separated by a public alley, may be used as a single building site for the purpose of calculating

the number of dwelling units permitted in a structure to be erected on one side of the alley, subject to the following requirements:

a. Each portion of the property shall abut a minimum of 100 feet upon the alley.

b. The two portions of the property shall be directly opposite for a distance representing at least 50 percent of the width of the portion of the property not to be occupied by the proposed building.

c. The portion of the property not occupied by the building shall not be sold, segregated or used for building purposes so long as the building remains on the portion of property on the opposite side of the alley.

2. Whenever there is a change from a residential use to a nonresidential use in an existing building a special exception may be issued to exclude the floor area within the building, that cannot be effectively utilized by the proposed use, from the off-street parking requirements.

3. A nonresidential structure or use which becomes a legal nonconforming structure or use after the effective date of the ordinance codified in this title may be permitted, by means of a special exception, to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of this title; provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

This section does not allow the expansion of a use or structure which would be inconsistent with a previously authorized administrative use permit, conditional use permit, special property use permit, contract rezone, or binding agreement between the city and the property owner. This section also does not allow the expansion of any nonconforming hazardous material storage.

4. Pursuant to ACC 18.54.060(G), a special exception may be issued for the replacement of a nonconforming structure or part thereof which does not comply with the appropriate development standards.

5. Pursuant to ACC 18.54.070(B), a special exception may be issued for residential uses, in commercial or industrial zones, to reoccupy if unoccupied for longer than 180 days.

B. In considering applications for special exceptions, the hearing examiner shall consider the nature and condition of all adjacent uses and structures, and no such special exception shall be authorized by the hearing examiner unless the hearing examiner finds that the authorizing of such special exception will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located, and that the authorization of such special exception will be consistent with the spirit and purpose of this title. In authorizing a special exception, the hearing examiner may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest. (Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)

Section 25. Amendment to City Code.

That Section 18.76.040 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.76.040 Permitted uses.

A. Residential.

1. Housing concepts of all types limited only by the density allowed in the official Lakeland plan map. Examples include the following:

- a. Single-family detached homes;
- b. Condominiums, apartments, and townhouses;
- c. Customary accessory uses and structures common to single-family homes or multifamily dwellings;
- d. Home occupations authorized by and subject to the standards of Chapter 18.60 ACC;
- e. Storage or parking of recreational vehicles for residents of the individual development;
- f. Nonresidential or municipal uses such as schools, churches, libraries, police, parks or fire facilities as authorized in the PUD;
- g. Home-based daycare;
- h. Community centers/recreation facilities;
- i. Senior housing and services.

2. Parks.

B. Nonresidential. Uses permitted outright by Chapter 18.26 ACC as authorized in the development plan, except those uses requiring an conditional use administrative use permit under subsection C of this section.

~~C. Conditional Uses. Permitted throughout the PUD pursuant to Chapter 18.64 ACC and as specifically authorized by the development plan, including:~~

- ~~1. Civic, social and fraternal clubs.~~
- ~~2. Mini-daycare and daycare centers.~~
- ~~3. Preschools or nursery schools.~~
- ~~4. Religious institutions.~~
- ~~5. Utility substations.~~
- ~~6. Municipal Services.~~
 - ~~a. Police;~~
 - ~~b. Fire;~~
 - ~~c. Library.~~

~~D. Conditional Uses. Permitted in areas of the PUD with a comprehensive plan designation of "Light Commercial" pursuant to Chapter 18.64 ACC and as specifically authorized by the development plan, including:~~

- ~~1. Automobile service stations.~~
- ~~2. Drive-through facilities, including banks and restaurants.~~
- ~~3. Brewpubs. (Ord. 5777 § 1, 2003; Ord. 5092 § 1, 1998.)~~

Section 26. Amendment to City Code.

That Section 18.78.020 of the

Auburn City Code be and the same hereby is amended to read as follows:

18.78.020 Permitted uses.

The permitted uses allowed in the Terrace View zoning district will be those as allowed within Chapter 18.30 ACC, C-3 Heavy Commercial District, as may be amended. The process to allow any use on the Terrace View property shall be as required by this title with the exception that apartments/multifamily units will be considered an outright permitted use and will not require an administrative conditional-use permit. (Ord. 5377 § 2, 2000.)

Section 27. New Section to City Code.

That a new Section 18.04.025 of the Auburn City Code be and the same hereby is created to read as follows:

18.04.025 Administrative use.

“Administrative use” means a use permitted in a zone only after review and approval by the planning director or designee. Administrative uses are those which typically have some potential for impacts to neighboring properties, but which may be permitted within a zone following review by the City to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone.

Section 28. New Section to City Code.

That a new Section 18.22.025 of the Auburn City Code be and the same hereby is created to read as follows:

18.22.025 Uses requiring an administrative use permit.

The following uses may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Administratively permitted uses in the RO designation:

1. Any commercial use abutting a residential zone¹ which has hours of operation outside of the following: Sunday: 9:00AM to 10:00PM; or Monday – Saturday: 7:00AM to 10:00PM;
2. Civic, social and fraternal clubs;
3. Daycare limited to mini daycare center, daycare center, preschools or nursery schools;
4. Government facilities;
5. Nursing homes;
6. Religious institutions, less than one acre lot size;
7. Restaurants, excluding drive-in facilities.

B. Administratively permitted uses in RO-H designation:

1. Any commercial use abutting a residential zone¹ which has hours of operation outside of the following: Sunday: 9:00AM to 10:00PM; or Monday – Saturday: 7:00AM to 10:00PM;
2. Civic, social and fraternal clubs;
3. Daycare, limited to daycare center, preschools or nursery schools;
4. Government facilities;
5. Restaurants, excluding drive-in facilities;
6. Multifamily dwellings, provided 1,200 square feet of lot area is provided for each dwelling unit.

¹ For the purposes of this section, a residential zone is defined as any of the following zoning districts: R-C Residential Conservancy, R-1 Residential, R-5 Residential, R-7 Residential, R-10 Residential, R-16 Residential, R-20 Residential; R-MHC Residential Manufactured Home Community.

Section 29. New Section to City Code.

That a new Section 18.24.025 of

the Auburn City Code be and the same hereby is created to read as follows:

18.24.025 Uses requiring an administrative use permit.

The following uses may be permitted in a C-N district where an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Any commercial use abutting a residential zone¹ which has hours of operation outside of the following: Sunday: 9:00AM to 10:00PM; or Monday – Saturday: 7:00AM to 10:00PM;

B. Civic, social and fraternal clubs;

C. Daycare, limited to mini daycare, daycare center, preschools or nursery schools;

D. Drive-in facilities, including banks and restaurants;

E. Government facilities;

F. Liquor serving establishments, provided they are secondary to a restaurant use and limited to on-premises consumption;

G. Religious institutions; less than one acre lot size;

H. Restaurants and other eating establishments with a seating capacity of more than 25 seats.

¹ For the purposes of this section, a residential zone is defined as any of the following zoning districts: R-C Residential Conservancy, R-1 Residential, R-5 Residential, R-7 Residential, R-10 Residential, R-16 Residential, R-20 Residential; R-MHC Residential Manufactured Home Community.

Section 30. New Section to City Code.

That a new Section 18.26.025 of

the Auburn City Code be and the same hereby is created to read as follows:

18.26.025 Uses requiring an administrative use permit.

The following uses may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Any commercial use abutting a residential zone¹ which has hours of operation outside of the following: Sunday: 9:00AM to 10:00PM; or Monday – Saturday: 7:00AM to 10:00PM;

B. Arcades;

C. Automobile sales and leasing, new and/or used, including light pick-up trucks and vans but not including recreational vehicles or heavy trucks, provided the following requirements are met:

1. The business shall be located on a major arterial as defined by the city traffic plan;

2. No repairing, painting or body work shall be conducted outside of a building;

3. If abutting an R zone, a sight-obscuring fence or landscape screen shall be required;

4. A minimum of a 25-foot setback shall be required of any building from any R zone;

5. Other landscaping or architectural improvements may be required to ensure compatibility with present and potential C-1 uses in the vicinity;

D. Automobile service stations, provided they are located at the intersection of two streets, one of which must be an arterial;

E. Dance halls;

F. Drive-in facilities, including banks and restaurants;

G. Government facilities, excluding offices and related uses that are permitted outright.

¹ For the purposes of this section, a residential zone is defined as any of the following zoning districts: R-C Residential Conservancy, R-1 Residential, R-5 Residential, R-7 Residential, R-10 Residential, R-16 Residential, R-20 Residential; R-MHC Residential Manufactured Home Community.

Section 31. New Section to City Code.

That a new Section 18.28.025 of the Auburn City Code be and the same hereby is created to read as follows:

18.28.025 Uses requiring an administrative use permit.

The following uses may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Any commercial use abutting a residential zone¹ which has hours of operation outside of the following: Sunday: 9:00AM to 10:00PM; or Monday – Saturday: 7:00AM to 10:00PM;

B. Arcades;

C. Drive-in facilities, including banks and restaurants. No drive-in facilities shall be allowed vehicle access to or from Main Street;

D. Government facilities, this excludes offices and related uses that are permitted outright;

E. Any expansion of the space, volume, area or facilities of any automobile repair, maintenance or service, automobile service station, or car wash business that existed before the effective date of Ordinance No. 5555. Any such expansion must be physically connected to the existing business, must be contained within the same lot or adjusted lot as the existing business and cannot be separated by a street or alley;

F. Gasoline dispensing facilities for passenger vehicles, provided the following requirements, which supersede the requirements of ACC 18.28.050(F), are met. These facilities are not intended to be the same as or allow for an automobile service station as defined by ACC 18.04.140;

1. The facility must be accessory to an existing retail/service establishment in which the principal tenant has a minimum floor area of at least 25,000 square feet. The principal tenant must own and/or manage the facility. The facility must be located on the same parcel of property as the principal tenant and the property must be at least 100,000 square feet in area.

2. The facility must be located on the property to minimize the amount of conflict to the pedestrian traffic.

3. The facility must be located on and have direct access to an arterial using existing curb cuts and driveways whenever practical. If the curb cuts and driveways do not meet current city standards then they shall be brought up to such standards.

4. The facility cannot interfere with the existing parking and/or traffic circulation on the property. There shall be enough room on the property to allow for adequate stacking space for vehicles waiting for fuel in order to avoid cars interfering with vehicles on the street. The facility cannot reduce the amount of parking required by the zoning code.

5. The facility shall have a roof that covers all activities including the pay window, refuse containers, fuel pumps and the adjacent parking area for the cars being fueled. The area that is covered by the roof of the facility shall be no larger than 6,000 square feet. The number of pumps shall be limited to five such that no more than 10 vehicles may be fueled at any one time.

6. Columns or similar architectural features shall be provided that screen the visibility of the pump islands as well as give the visible impression of enclosing the structure. If necessary, provisions must be made to avoid a safety issue of enclosing any fumes associated with the fueling of the vehicles. The overall height of the facility shall not exceed 20 feet.

7. The design, architectural treatment and streetscape features of the facility must be consistent with the design concepts as outlined in paragraph "P" of Section 1.4 of the downtown plan as well as provide some design continuity between the facility and primary structure.

8. A five-foot width of Type III landscaping shall be provided along the street frontage(s) that the facility is oriented to.

9. Any other products for sale shall only be displayed within the building containing the pay window and any such products shall be incidental to automobile care/maintenance, or snacks and beverages. No sales of alcoholic beverages will be allowed.

10. Signs shall be limited to permanent wall signs, attached to the face of the canopy, only.

11. The application for the conditional use permit shall illustrate how it complies with these standards. (Ord. 5555 § 1, 2001; Ord. 5510 § 1, 2001; Ord. 5383 § 1, 2000; Ord. 5193 § 1, 1998; Ord. 4914 § 1, 1996; Ord. 4229 § 2, 1987.)

¹ For the purposes of this section, a residential zone is defined as any of the following zoning districts: R-C Residential Conservancy, R-1 Residential, R-5 Residential, R-7 Residential, R-10 Residential, R-16 Residential, R-20 Residential; R-MHC Residential Manufactured Home Community.

Section 32. New Section to City Code.

That a new Section 18.29.053 of

the Auburn City Code be and the same hereby is created to read as follows:

18.29.053 Uses/activities requiring an administrative use permit.

The following uses/activities may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- A. Expansions of existing automobile maintenance and repair businesses;
- B. Expansions of existing gasoline stations;

C. Animal daycare businesses that feature outdoor exercise areas and/or kennels.

Section 33. New Section to City Code.

That a new Section 18.30.025 of the Auburn City Code be and the same hereby is created to read as follows:

18.30.025 Uses requiring an administrative use permit.

The following uses may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Any commercial use abutting a residential zone¹ which has hours of operation outside of the following: Sunday: 9:00AM to 10:00PM; or Monday – Saturday: 7:00AM to 10:00PM;

B. Multiple-family dwellings; provided, that 1,200 square feet of lot area is provided for each dwelling unit;

C. Government facilities, this excludes offices and related uses that are permitted outright;

D. Miscellaneous light manufacturing including toys, jewelry, ceramic, musical instruments and similar products, apparel and other finished products made from fabrics, leather, and similar materials, manufacturing of professional, scientific, and controlling instruments such as photo and optical goods, watch and clock manufacturing, and similar products, with retail sales of products manufactured on the premises;

E. Nursing homes.

(Ord. 5835 § 4, 2004; Ord. 4910 § 1, 1996; Ord. 4590 § 5 (Exh. D), 1992; Ord. 4283 § 1, 1988; Ord. 4229 § 2, 1987.)

¹ For the purposes of this section, a residential zone is defined as any of the following zoning districts: R-C Residential Conservancy, R-1 Residential, R-5 Residential, R-7 Residential, R-10 Residential, R-16 Residential, R-20 Residential; R-MHC Residential Manufactured Home Community.

Section 34. New Section to City Code.

That a new Section 18.32.030 of the Auburn City Code be and the same hereby is created to read as follows:

18.32.030 Uses requiring an administrative use permit.

The following uses may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. Auction houses, excluding animals;

B. Government facilities;

C. Religious institutions, to be located in existing facilities only.

Section 35. New Section to City Code.

That a new Section 18.34.030 of the Auburn City Code be and the same hereby is created to read as follows:

18.34.030 Uses requiring an administrative use permit.

The following uses may be permitted when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- A. Commercial laundries;
- B. Commercial recreation, including animal race tracks;
- C. Drive-in theaters;
- D. Government facilities;
- E. Motels;
- F. Processing or pulping of wood or other fibers;
- G. Taverns;
- H. Warehouse sales, open to the public, must have a minimum of 50,000 square feet of floor space.

Section 36. New Section to City Code.

That a new Section 18.44.025 of the Auburn City Code be and the same hereby is created to read as follows:

18.44.025 Uses requiring an administrative use permit.

The following uses may be permitted in an I district when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- A. Colleges and universities.

Section 37. New Section to City Code.

That a new Section 18.76.045 of the Auburn City Code be and the same hereby is created to read as follows:

18.76.045 Uses requiring an administrative use permit.

A. The following uses may be permitted throughout the PUD as specifically authorized by the development plan and when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- 1. Civic, social and fraternal clubs;
- 2. Mini-daycare and daycare centers;
- 3. Preschools or nursery schools;
- 4. Religious institutions;
- 5. Utility substations;
- 6. Municipal Services:
 - a. Police;
 - b. Fire;
 - c. Library.

B. The following uses may be permitted in areas of the PUD with a comprehensive plan designation of "Light Commercial" as specifically authorized by the development plan and when an administrative use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

- 1. Automobile service stations;
- 2. Drive-through facilities, including banks and restaurants;
- 3. Brewpubs.

Section 38. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 39. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 40. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

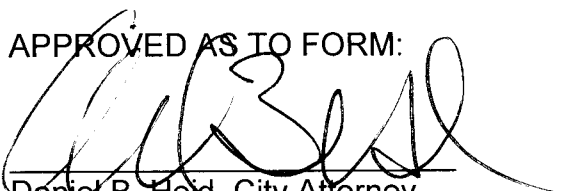
CITY OF AUBURN

PETER B. LEWIS
MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____